

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 23, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

PAMELA K.,¹

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:23-cv-05074-RHW

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 9, 13

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 13, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorneys David Burdett and Jack Darcher represent Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 13**, is **GRANTED**.
2. The above-captioned case be **REVERSED** and **REMANDED** to the

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Commissioner of Social Security for further administrative proceeding pursuant to
2 sentence four of 42 U.S.C. § 405(g).

3 The parties have stipulated to the following instructions. On remand, the
4 Appeals Council will instruct the ALJ to:

- 5 • Re-evaluate the medical opinion and prior administrative medical
6 finding evidence;
- 7 • Re-evaluate Plaintiff's maximum residual functional capacity;
- 8 • If warranted by the expanded record, obtain supplemental vocational
9 expert evidence to clarify the effect of the assessed limitations on
10 Plaintiff's ability to perform work in the national economy;
- 11 • Offer Plaintiff the opportunity for a new hearing;
- 12 • Take any further action needed to complete the administrative record;
13 and
- 14 • Issue a new decision.

15 *See* ECF No. 13 at 1-2.

16 3. Judgment shall be entered for **PLAINTIFF**.

17 4. Plaintiff's Motion for Summary Judgment (**ECF No. 9**) is **STRICKEN**
18 **AS MOOT**.

19 5. Upon proper presentation, this Court consider Plaintiff's application for
20 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED October 23, 2023.

4 *s/Robert H. Whaley*
5 ROBERT H. WHALEY
6 Senior United States District Judge
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